

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,) Case No.: 3:13-cr-00085-HDM-VPC
vs.)
EFRAIN IBARRA-FLORES,) MINUTES OF COURT
Defendant.) November 14, 2013
/

PROCEEDINGS: JURY TRIAL - DAY ONE

PRESENT:

THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Donna Davidson

Counsel for Plaintiff: Megan Rachow, AUSA and James Keller, AUSA

Counsel for Defendant: Lauren Gorman, AFPD and Ramon Acosta, AFPD

At 12:57 p.m., the Court convenes.

The Defendant (In Custody) is present with counsel and Stand-By Certified Spanish Interpreters Ixtla Malagon and Samuel Pinilla. Interpreters previously sworn.

The Government is present with Special Agent Darin Baclayon, DHS/ICE.

The Court addresses the courtroom draping present this date on both counsel tables. The Court inquires of the U.S. Marshal as to whether the Defendant will remain in leg shackles for the course of the Trial. The U.S. Marshall confirms leg shackles have been placed on the Defendant and are requested to remain. Counsel stipulate that the Defendant's leg shackles are concealed.

The Court addresses [32] Motion in Limine to Exclude Submission of Evidence to Jury Questioning Legality of Prior Deportation Order. Ms. Gorman confirms there is no opposition to [32] Motion. **IT IS ORDERED, [32] Motion shall be considered MOOT.**

The Court next addresses [29] Motion in Limine to Preclude Testimony or Reference at Trial to Defendant's Criminal History or Any Lack Thereof. The Court and counsel confer. **IT IS ORDERED, the Court RESERVES on [29] Motion.**

The Court addresses requested conduct for Trial proceedings and jury seating. Counsel stipulate to the exercise of a random electronic jury draw.

USA v. EFRAIN IBARRA-FLORES
3:13-cr-00085-HDM-VPC

November 14, 2013
Page 2 of 3

On behalf of the Defendant, Ms. Gorman waives the appearance of a Spanish Interpreter for purposes of trial. Ms. Gorman further advises that although an interpreter was present at the Defendant's initial appearance, the Defendant speaks English and does not require a Spanish Interpreter. The Court and counsel confer. The Defendant is canvassed by the Court. **IT IS ORDERED, the Certified Spanish Interpreter shall remain on stand-by in the Courtroom.**

Counsel stipulate to *Batson* challenge procedure.

At 1:23 p.m. 46 prospective jurors enter the courtroom.

The Court presents opening remarks and introduces counsel. The Court further summarizes this action and the anticipated Trial schedule. The voir dire oath is administered and 32 prospective jurors are seated; voir dire proceeds.

At 2:17 p.m., the jury is passed for cause. Counsel exercise peremptory challenges.

At 2:37 p.m., 14 jurors are empaneled and sworn. Counsel stipulate to the seated jurors. The Court thanks and excuses the remaining jurors for a period of two years.

At 2:46 p.m., the jury is admonished and excused, and the Court stands at recess.

At 3:03 p.m., the Court reconvenes outside the presence of the jury. Mr. Keller addresses newly marked Government's Exhibit 10.

IT IS ORDERED, [37] Stipulation Regarding Admission of Government's Exhibit 9a and 9b is GRANTED. The Government's Exhibits 9a and 9b are received in evidence.

At 3:04 p.m., the jury enters the courtroom.

Ms. Rachow presents opening statements on behalf of the Government.

Mr. Acosta presents opening statements on behalf of the Defendant.

DARIN BACLAYON, Special Agent, DHS/ICE, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Ms. Gorman, examined on redirect by Ms. Rachow, examined on re-cross by Ms. Gorman, and excused.

The Government's Exhibits 1a and 1b are received in evidence.

RICKY FLEMING, Supervisory Immigration Services Officer and CIS Custodian of Records, DHS/CIS, called on behalf of the Government, is sworn, examined on direct by Mr. Keller, examined by the Court, cross-examined by Ms. Gorman, examined on redirect by Mr. Keller, and excused.

The Government's Exhibits 2a, 2b, 3, 4a, 4b, 5a, 5b, 6a, 6b, 6c, 7, and 8 are received in evidence.

ROSS JACKSON, DHS/ICE, called on behalf of the Government, is sworn, examined on direct by Mr. Keller, cross-examined by Mr. Acosta, examined on redirect by Mr. Keller, and excused.

STEPHAN HOTTYA, DHS/ICE, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Ms. Gorman, examined on redirect by Ms. Rachow, and excused.

At 5:05 p.m., the jury is admonished and excused until Friday, November 15, 2013 at 8:30 a.m. in Reno Courtroom 4.

Outside the presence of the jury, the Court distributes the proposed Jury Instructions and Verdict form and further advises the Court and counsel shall meet and settle the Jury Instructions on Friday, November 15, 2013 at 8:00 am. The Court and counsel confer.

The Court inquires as to the anticipated Defense witnesses.

Ms. Gorman states the Defendant will not be testifying in this matter. The Court canvasses the Defendant as to his right to testify. The Defendant confirms his understanding. The Defendant further confirms that all English has been understood in the Courtroom this date.

Ms. Rachow requests the Government be provided the names of the Defendant's witnesses. Ms. Gorman and Mr. Acosta recite the Defendant's anticipated witnesses.

The Court and counsel further discuss issues related to [32] Motion.

The Court and counsel further discuss Jury Note #1. The Court directs a copy of Jury Note #1 shall be forwarded to counsel for consideration.

The Court and counsel further discuss the proposed Jury Instructions. Ms. Gorman requests an additional instruction on behalf of the Defendant. The Court and counsel confer.

IT IS ORDERED, Jury Trial (Day Two) is continued to Friday, November 15, 2013 at 8:00 am in Reno Courtroom 4 before Judge Howard D. McKibben.

The Defendant is remanded to custody.

At 5:21 p.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk